

NO. 12563

FILED WITH SECRETARY OF STATE

Date Filed

11-16-87

A.G. CONTRACT NO. 10287-3096

IGA-87-43

Project: VLT-900-949

Section: Lyman Lake State Park

INTERAGENCY AGREEMENT

BETWEEN

ARIZONA DEPARTMENT OF TRANSPORTATION

AND

ARIZONA STATE PARKS BOARD

THIS AGREEMENT entered into this 5<sup>th</sup> day of October, 1987, between the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "ADOT", and the Arizona State Parks Board, hereinafter called "Parks Board".

WHEREAS, ADOT is empowered by Sections 28-108 and 11-952, Arizona Revised Statutes, to enter into this agreement, and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of ADOT; and

WHEREAS, Parks Board is empowered by Section 41-511:05, Arizona Revised Statutes, to enter into this agreement, and acting by and through its Director, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of Parks Board; and

WHEREAS, this is an agreement between ADOT and the Parks Board regarding the acquisition of drainage easements, construction easements, and fee simple rights of way for the purposes, as promulgated in Arizona Revised Statutes 28-1822 (A) (8).

WHEREAS, By Resolution 77, the Parks Board has designated roads, spurs, and other traffic related appurtenances within State Park boundaries as public highways for the purpose of constructing new asphalt concrete overlay within Lyman Lake State Park and has authorized "ADOT" to acquire in the Parks Board name, any additional rights of way which might be required.

THEREFORE, the parties hereto agree as follows:

ADOT SHALL:

1. Prepare contract plans, specifications and estimates for bids.

2. Provide contract administration during construction.

3. Call for bids and award a contract for the construction of a new asphalt concrete overlay for existing park roads, parking areas and driveways and for the restriping of the roadways, in accordance with ADOT procedures.

4. Pay construction costs not to exceed \$300,000.00 required for said improvements pursuant to Arizona Revised Statutes Section 28-1822, et seq.

5. Acquire in the name of the Parks Board additional rights of way for purposes of roadway construction, where necessary, as set forth in the resolution of the Parks Board.

PARKS BOARD SHALL:

1. Provide design information as required.

2. Provide to ADOT necessary permits allowing for the contemplated construction.

3. Be responsible for the maintenance and operation of said Park improved facilities.

It is further agreed by and between the parties hereto that:

THIS AGREEMENT shall remain in full force and effect until completion of said projects; provided, however, that this agreement may be cancelled at any time prior to the commencement of work by ADOT upon 30 days written notice to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes, as amended.

Attached hereto and incorporated herein by reference is a copy of ADOT's resolution authorizing entry into this agreement, a copy of Parks Board's resolution authorizing entry into this agreement, and the Attorney General's acceptance as to form.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

ARIZONA STATE PARKS BOARD

By: Kenneth E. Travous

Title: EXECUTIVE DIRECTOR

STATE OF ARIZONA  
ARIZONA DEPARTMENT OF  
TRANSPORTATION

By: W. O. Ford

W. O. Ford  
State Engineer

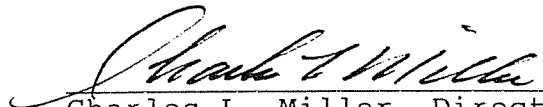
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Project: VLT-900-949  
Section: Lyman Lake State Park

## RESOLUTION

BE IT RESOLVED on this 14th day of May, 1987, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona, that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Interagency Agreement with the Arizona State Parks Board wherein the Department of Transportation will construct new asphalt concrete overlay for existing park roads, parking areas and driveways, including restriping roadways.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

  
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Charles L. Miller, Director  
Arizona Department of  
Transportation

WH:ks

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Joni Bosh, Secretary for the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

**RESOLUTION No. 77**

**By the Arizona State Parks Board  
Authorizing the Execution of the Intergovernmental  
Agreement with the  
Department of Transportation**

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, **BE IT RESOLVED** on this 17th day of July, 1987, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within Lyman Lake State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Lyman Lake State Park for the purpose of constructing park related improvements under the Interagency Agreement, Project VLT-900-949.


**THEREFORE**, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was seconded by M. Jean Hassell and was unanimously carried by the members present, as follows:

Elizabeth A.  
Duane Miller  
M. Jean Hassell  
Joni Bosh  
Reese G. Wooding  
William G. Roe

Thereupon, Duane Miller, Vice Chairman of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On July 17, 1987, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.

  
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Joni Bosh, Secretary

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

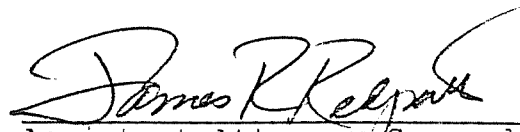
DETERMINATION

A. G. Contract No. KR87-3096, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 3<sup>rd</sup> day of November, 1987.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division